EUROPEAN COMMISSION

PROTECTION OF YOUR PERSONAL DATA

This privacy statement provides information about the processing and the protection of your personal data.

Processing operation: Application of the regulatory framework under Regulation (EU) 2022/2560 on foreign subsidies distorting the internal market as regards concentrations and ex officio procedures outside public procurement procedures

Data Controller:

DG Competition, Unit K.3 Foreign Subsidies 3
Record reference: DPR-EC-22213

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1. Introduction

The European Commission (hereafter 'the Commission') is committed to protect your personal data and to respect your privacy. The Commission collects and further processes personal data pursuant to Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data (repealing Regulation (EC) No 45/2001).

This privacy statement explains the reason for the processing of your personal data, the way we collect, handle and ensure protection of all personal data provided, how that information is used and what rights you have in relation to your personal data. It also specifies the contact details of the responsible Data Controller with whom you may exercise your rights, the Data Protection Officer and the European Data Protection Supervisor.

The information in relation to the processing operation "Application of the regulatory framework under Regulation (EU) 2022/2560 on foreign subsidies distorting the internal market as regards concentrations and ex officio procedures outside public procurement procedures", undertaken by DG Competition is presented below.

2. Why and how do we process your personal data?

Purpose of the processing operation: The purpose of Regulation (EU) 2022/2560 (the Foreign Subsidies Regulation) is to contribute to the proper functioning of the internal market by establishing a harmonized framework to address distortions caused, directly or indirectly, by foreign subsidies, with a view to ensuring a level playing field.

The Foreign Subsidies Regulation empowers the Commission to collect information for investigation, enforcement, and monitoring purposes through several means (e.g., requests for information, inspections, by carrying out interviews). Moreover, the Foreign Subsidies Regulation obliges undertakings to notify to the Commission concentrations involving foreign financial contributions provided certain thresholds are met. Although the Foreign Subsidies Regulation concerns primarily undertakings and not individuals, the information that is collected and further processed by the Commission pursuant to its investigation, enforcement and monitoring powers unavoidably includes personal data.

Such information is used by the Commission for effectively assessing whether foreign subsidies granted to an undertaking can distort the internal market and, in general, all aspects related to the application of the rules. In limited circumstances and as per the text of the Foreign Subsidies Regulation, certain information may also be provided to national authorities such as for example national competition authorities. Such exchanges are necessary for the purposes of ensuring the effectiveness of the enforcement tasks contemplated by the Foreign Subsidies Regulation.

Information from undertakings or individuals responding to requests for information or proactively reaching out to the European Commission in the context of its application of the Foreign Subsidies Regulation may also be processed.

Furthermore, the Commission may process the contact details (name, job title, telephone and email address) of individuals and undertakings providing market information and/or representatives of undertakings subject to investigations under the Foreign Subsidies Regulation for other compatible purposes aimed at improving the application and enforcement of the Foreign Subsidies Regulation, such as conducting appropriate consultations in order to issue guidelines on its application or preparing reports or making proposals to review the Foreign Subsidies regulation or to improve its implementation and enforcement practice. The

processing covered by this privacy statement is limited to the use of these contact details to invite the data subject to participate in such activities. The processing of any personal data collected as a result will be carried out in accordance with the privacy statement corresponding to the activity in question.

This privacy statement concerns the activities of the Directorate General for Competition (DG Competition) in the application of the Foreign Subsidies Regulation. DG Competition is responsible for enforcing the Foreign Subsidies Regulation as regards concentrations and to start *ex officio* procedures to tackle the distortions on the internal market caused by foreign subsidies outside public procurement procedures.

Your personal data will *not* be used for an automated decision-making including profiling.

3. On what legal grounds do we process your personal data

We process your personal data, because this processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the Union institution or body (Article 5(1)(a) of Regulation 2018/1725).

The legal basis for this processing operation is Regulation (EU) 2022/2560 of the European Parliament and of the Council of 14 December 2022 on foreign subsidies distorting the internal market (Foreign Subsidies Regulation), as well its corresponding implementing and delegated acts.

4. Which personal data do we collect and further process*?*

The categories of personal data which we may collect and further process are the following:

- Identification data (e.g. name and where necessary other characteristics likely to assist in the identification);
- Contact details (e-mail address, telephone number, mobile telephone number, fax number, postal address, company and department, country of residence, IP address, etc.);
- Case-related data
- Any other information which is relevant for the investigation, enforcement or monitoring activities being carried out by the Commission under the Foreign Subsidies Regulation.

These data can be collected directly from the data subject (as for instance in the case of carrying out interviews of natural persons) or from other sources, such as undertakings subject to requests for information or providing market information to the Commission. The provision of this data will be mandatory in some cases, as set out in the Foreign Subsidies Regulation, which also provides for fines and periodic penalty payments in case of non-compliance.

5. How long do we keep your personal data?

Files on investigations and procedures related to competition policy instruments, such as the Foreign Subsidies Regulation, are retained for a period of 20 years after the closure of the case (administrative closure, reflected in the case management system). Upon the expiry of this administrative retention period, all supporting documents no longer needed to document the handling of the case are eliminated while the remaining documents will be transferred to the Historical Archives for permanent preservation. This is necessary in order to comply with the Commission's general obligation to preserve the documents that it has obtained within the

exercise of its duties and which relate to EU activities. This retention policy is in line with the Common Commission-level retention list for European Commission files – fourth revision (SEC(2025)600).

6. How do we protect and safeguard your personal data?

All personal data in electronic format (e-mails, documents, databases, uploaded batches of data, etc.) are stored on the servers of the European Commission. All processing operations are carried out pursuant to the Commission Decision (EU, Euratom) 2017/46 of 10 January 2017 on the security of communication and information systems in the European Commission.

In order to protect your personal data, the Commission has put in place a number of technical and organisational measures in place. Technical measures include appropriate actions to address online security, risk of data loss, alteration of data or unauthorised access, taking into consideration the risk presented by the processing and the nature of the personal data being processed. Organisational measures include restricting access to the personal data solely to authorised persons with a legitimate need to know for the purposes of this processing operation.

7. Who has access to your personal data and to whom is it disclosed?

Within the Commission

Access to your personal data in Foreign Subsidies Regulation files is restricted to the Commission staff responsible for carrying out this processing operation and to authorized staff according to a strict application of the "need to know" principle for the enforcement of the Foreign Subsidies Regulation and other purposes for which the provider of the information has agreed. Such staff abide by statutory, and when required, additional confidentiality agreements.

Other EU bodies and institutions

Where a submission or market information is sent to an EU institution for information, comments or an opinion, the personal data may be transferred to that institution (e.g. complaints to the EU Ombudsman or to the EDPS). These recipients are subject to the Regulation (EU) 2018/1725.

Member States

Transfer of information to national authorities within the EU will take place in the cases set out in the Foreign Subsidies Regulation, and in particular in Articles 10, 13, 14 thereof or in the context of the advisory procedure referred to in Article 48. This transfer of information will mainly take place for the purpose of ensuring the effectiveness of the enforcement of the Foreign Subsidies Regulation.

In case authorizations from national judicial authorities are necessary, such as for conducting inspections, the Commission may have to provide to the respective judicial authority detailed explanations regarding the subject matter of inspections.

Access to file of concerned parties and their representatives

In the context of the rights of defence, concerned parties and their representatives shall have access to the file (excluding confidential information and business secrets), in accordance with the procedure and safeguards provided in the Foreign Subsidies Regulation.

Documents obtained through the 'access to file' procedure may only be used for the purpose of exercising the rights of defence.

Trustees, Consultants

The Commission may transfer personal data to a trustee appointed to assist in the monitoring of the implementation of a decision under the Foreign Subsidies Regulation, in particular in cases concerning the implementation of commitments or redressive measures. The trustee will be bound to observe the same data protection and confidentiality standards as the institutions and will be subject to the conditions established in Article 29 of Regulation (EU) 2018/1725.

As part of the monitoring of compliance under the Foreign Subsidies Regulation, as well as for other compatible purposes aimed at improving the application and enforcement of the Foreign Subsidies Regulation, the contact details of individuals may be transferred to contractors who will be bound to observe the same data protection and confidentiality standards as the institutions.

8. What are your rights and how can you exercise them?

You have specific rights as a 'data subject' under Chapter III (Articles 14-25) of Regulation (EU) 2018/1725, in particular the right to access, your personal data and to rectify them in case your personal data are inaccurate or incomplete. Where applicable, you have the right to erase your personal data, to restrict the processing of your personal data, to object to the processing, and the right to data portability.

You also have the right to object to the processing of your personal data, which is lawfully carried out pursuant to Article 5(1)(a) on grounds relating to your particular situation.

You can exercise your rights by contacting the Data Controller, or in case of conflict the Data Protection Officer. If necessary, you can also address the European Data Protection Supervisor. Their contact information is given under Heading 9 below.

Where you wish to exercise your rights in the context of one or several specific processing operations, please provide their description (i.e. their Record reference(s) as specified under Heading 10 below) in your request.

In certain circumstances, it is necessary to reconcile the rights of data subjects pursuant to Regulation (EU) 2018/1725 with the effective exercise of Commission's investigation, enforcement and monitoring pursuant to the Foreign Subsidies Regulation. To that effect, Article 25(1) of Regulation (EU) 2018/1725 provides the Commission with the possibility to restrict, under strict conditions, the application of Articles 14 to 22, 35 and 36 of Regulation (EU) 2018/1725. In particular, the Commission might apply restrictions to safeguard an important objective of general public interest of the Union or of a Member State (in accordance with Article 25(1), point (c) and point (g), of Regulation (EU) 2018/1725). Moreover, the Commission might apply restrictions to safeguard the protection of the data subject or the rights and freedoms of others (Article 25(1), point (h), of Regulation (EU) 2018/1725).

The application by the Commission of restrictions of data subjects' rights is detailed in the Commission Decision laying down internal rules concerning the provision of information to data subjects and the restriction of certain data subjects' rights in relation to the processing of personal data by the Commission for the purpose of investigation, enforcement and monitoring activities under the Foreign Subsidies Regulation.

9. Contact information

- **The Data Controller**

If you would like to exercise your rights under Regulation (EU) 2018/1725, or if you have comments, questions or concerns, or if you would like to submit a complaint regarding the collection and use of your personal data, please feel free to contact the Data Controllers (COMP-FOREIGN-SUBSIDIES@ec.europa.eu).

- **The Data Protection Officer (DPO) of the Commission**

You may contact the Data Protection Officer (DATA-PROTECTION-OFFICER@ec.europa.eu) with regard to issues related to the processing of your personal data under Regulation (EU) 2018/1725.

- **The European Data Protection Supervisor (EDPS)**

You have the right to have recourse (i.e. you can lodge a complaint) to the European Data Protection Supervisor (edps@edps.europa.eu) if you consider that your rights under Regulation (EU) 2018/1725 have been infringed as a result of the processing of your personal data by the Data Controller.

10. Where to find more detailed information?

The Commission Data Protection Officer (DPO) publishes the register of all processing operations on personal data by the Commission, which have been documented and notified to him. You may access the register via the following link: http://ec.europa.eu/dpo-register.

This specific processing operation has been included in the DPO's public register with the following Record reference: DPR-EC-22213.